

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRIAN P. HUNT,

Petitioner,

Case No. 3:13-cv-00040-MMD-WGC

v.

ORDER

BRIAN WILLIAMS, et al.,

Respondents.

Before the Court are petitioner's motion to order the Nevada Supreme Court to answer questions of law (dkt. no. 15), respondent's opposition (dkt. no. 17), and petitioner's reply (dkt. no. 19). This motion is, at best, premature. At this stage of the proceedings, the Court does not know whether resolution of the petition will turn on questions of state law. If the Court finds it necessary to certify a question of state law to the Nevada Supreme Court, it will do so on its own motion. The Court denies petitioner's motion (dkt. no. 15).

Also before the Court is petitioner's motion to compel the respondent to comply with Rule 26 of the Federal Rules of Civil Procedure (dkt. no. 16) and respondents' opposition (dkt. no. 18). The motion is premature. Rule 6(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires leave of the court to conduct discovery in a habeas corpus proceeding. No party has requested leave to conduct discovery, and the Court has not granted it. Furthermore, at this stage of the proceedings the Court does not know whether discovery is necessary. The Court denies petitioner's motion (dkt. no. 16).

1 Respondents have submitted a motion for enlargement of time (second request)
2 (dkt. no. 20). The Court grants this motion.

3 IT IS THEREFORE ORDERED that petitioner's motion to order the Nevada
4 Supreme Court to answer questions of law (dkt. no. 15) is DENIED.

5 IT IS FURTHER ORDERED that petitioner's motion to compel (dkt. no. 16) is
6 DENIED.

7 IT IS FURTHER ORDERED that respondents' motion for enlargement of time
8 (second request) (dkt. no. 20) is GRANTED. Respondents shall have through October
9 14, 2013, to file and serve an answer or other response to the petition (dkt. no. 5).

10 DATED THIS 3rd day of September 2013.

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13 MIRANDA M. DU
14 UNITED STATES DISTRICT JUDGE
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